

920476-904745

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE THE APPLICATION OF

)

Greene et al.

)

SERIAL NO.: 09/445,917

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) Art Unit: 2681

FILED: June 12, 1998

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)

FOR: MULTIMEDIA COMMUNICATION IN A
TELECOMMUNICATIONS NETWORK

)

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) Customer Number: 23644

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**PETITION TO REVIVE APPLICATION BECAUSE OF CLEAR PATENT AND
TRADEMARK OFFICE ERROR**

Honorable Director of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

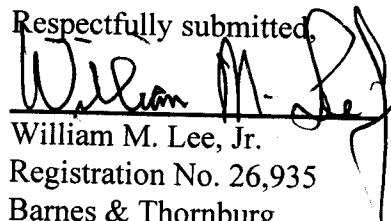
The Patent and Trademark Office, improperly it is believed, identifies this application as abandoned because it is incomplete. That is clearly incorrect.

The application is complete and everything is in order. Please see the decision dated February 19, 2004 as well as the subsequently-issue filing receipt which was mailed March 16, 2004.

It is clear that the Patent and Trademark Office has failed to update the status for this application and now examine the application. It is requested that the application be returned to pending status and identified as such, and that the application be examined without further delay.

August 22, 2006

Respectfully submitted,


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19 FEB 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

MP 2/24/04
904745

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FEB 23 2004

BARNES & THORNBURG

Mr. William M. Lee, Jr.
Barnes & Thornburg
P.O. Box 2786
Chicago, Illinois 60690-2786

In re Application of:
GREENE, et al.
Application No. : 09/445,917
PCT No.: PCT/GB98/01721
Int. Filing Date: 12 June 1998
Priority Date: 14 June 1997
Atty Docket No.: 476-1861
For: MULTIMEDIA COMMUNICATION IN A
TELECOMMUNICATION NETWORK

DECISION ON PETITION

UNDER 37 CFR 1.181

This decision is in response to applicant's "Request to Withdraw Notification of Abandonment" filed 20 February 2001, 07 September 2001 and 04 December 2003 in the United States Patent and Trademark Office (USPTO). The petition is being treated as a petition under 37 CFR 1.181. No petition fees are required.

BACKGROUND

On 12 June 1998, applicant filed international application PCT/GB98/01721, which claimed priority of an earlier application filed 14 June 1997. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 23 December 1998. The deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 14 December 1999.

On 14 December 1999, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 15 February 2000, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International Application number and international filing date. In addition, applicant was advised of the need to pay the surcharge for providing an oath or declaration of the inventor later than thirty months from the priority date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 01 February 2001, applicant was mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) informing applicant that applicant had failed to respond to the

NOTIFICATION OF MISSING REQUIREMENTS mailed 15 February 2000 within the time period set therein and that above-identified application was abandoned as to the United States. On 20 February 2001, applicant filed a petition to withdraw the holding of abandonment.

On 07 September 2001, applicant filed a second petition to withdraw the holding of abandonment.

DISCUSSION

The best evidence of what was actually received by the Office is a postcard receipt containing a specific itemization of all the items being submitted. See MPEP 503. Here, applicant has provided a copy of the date-stamped postcard receipt. The postcard identifies the application by inventor and docket number. The receipt identifies the application number as "09/445,917." Among the items listed on the receipt is "4. Submission of three declarations with Certificate of Mailing." The receipt is stamped "17 JUL PM 3:42 OPR/FINANCE" across its face. In addition, a review of the fees records for the present application finds that the referenced check was deposited on 17 July 2000. Thus, it is clear that applicant filed an executed declaration on 17 July 2000. For the reasons stated above, it is proper to grant applicant's petition at this time and accept the copy of the declaration filed 20 February 2001 as a substitute for the declaration originally filed 17 July 2000.

Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States were satisfied on 17 July 2000.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is GRANTED. *Derek*

The "NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909)" mailed on 01 February 2001 is hereby VACATED. *Not in*

This application will be given an international application filing date of 12 June 1998 and a date of 17 July 2000 under 35 U.S.C. 371(c)(1), (c)(2) and (c4). This application is being returned to the DO/EO/US for processing in accordance with this decision.



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904745



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
09/445,917	07/17/2000	2681	970	476-1861	2	9	3

Lee Mann Smith McWilliams
 Sweeney & Ohlson
 PO Box 2786
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RECEIVED
 MAR 22 2004

CONFIRMATION NO. 1520

FILING RECEIPT



OC000000012089052

Date Mailed: 03/16/2004

BARNES & THORNBURG

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Nancy M Greene, Outremont, CANADA;
 Simon D Brueckheimer, London, UNITED KINGDOM;
 Vahé Balabanian, Nepean, CANADA;

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/GB98/01721 06/12/1998

Foreign Applications

UNITED KINGDOM 9712340.0 06/14/1997

If Required, Foreign Filing License Granted: 03/11/2004

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Multimedia communications in a telecommunications network

ENTERED

Preliminary Class

455

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).